IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

OP.No. 36456 of 2002(M)

PETITIONERS:
----

1. **S.P.ANTONY, MERCY TRADERS, MARKET CANAL ROAD, COCHIN-682035.**

2. **DAVIES P.V., MODERAN PLASTICS, MARKET CANAL ROAD, COCHIN 682035**

3. **JACOB PANDIPPILLY, ELECTROTECH ENGINEERS AND CONTRACTORS, MARKET ROAD, COCHIN 682035**

4. **SAHEED P.A., NEW RAVA STORES, MARKET CANAL ROAD, COCHIN 682035**

5. **PREVEEN KUMAR, GUJAPRIYA TRANSPORT COMPANY, MARKET CANAL ROAD, OCHIN 682035**

6. **K.K.RABIYA, KALARIKKAL HOUSE, CANAL VIEW, MARKET CANAL ROAD, COCHIN 682035**

7. **N.L.JOSEPH S/O. LONAN, NAYATTIL HOUSE, THRIKKANARVATOM DESOM, ERNAKULAM VILLAGE, ERNAKULAM.**

8. **GEORGE S/O. LONAN, NAYATTIL HOUSE, THRIKKANARVATTOM DESOM, ERNAKULAM VILLAGE, ERNAKULAM**

9. **DR.P.V.UNNIKRISHNAN, SAKTHI MEDICAL, MARKET CANAL ROAD, COCHIN-35**

10. **CARMEL PAIVA, "PEETROSE", MARKET CANAL ROAD, COCHIN-35**

11. **A.AJITH SHJANKAR, GAJAPRIYA TRANSPORT COMPANY, MARKET CANAL ROAD, COCHIN-35**

12. K.J.SEBASTIAN, CALICUT LODGE,
MARKET CANAL ROAD, COCHIN -35

13. SONY S/O. GEORGE, PALLIPPARAMBIL HOUSE,
SYRIAN CHURCH ROAD, COCHIN-31

14. FRANCIS PAIVA, PALLIPARAMBIL HOUSE,
SYRIAN CHURCH ROAD, COCHIN-31

15. ANTONY BARUVA, S/O. FRANCIS
THERUVIPARAMBIL, KOVILVATTOM DESOM, ERNAKULAM.

BY ADV. SRI.T.MADHU

RESPONDENTS:
----

1. THE CORPORATION OF COCHIN, REPRESENTED
BY ITS SECRETARY, OFFICE OF THE CORPORATION OF
COCHIN, COCHIN-11

2. THE ASSISTANT COMMISIONER OF POLICE,
(TRAFFIC AND LAW AND ORDER), COCHIN CITY, COCHIN,
ERNAKULAM

3. THE SUB DIVISIONAL MAGISTRATE,
COCHIN, FORTCOCHIN, COCHIN-1.

BY ADV. SRI.A.K.SAITHU MOHAMMED
SRI.K.ANAND, SC – R1
BY GOVERNMENT PLEADER SMT.SMITHA SUKUMARAN – R2 & R3

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

tss

OP. NO.36456/2002

ORDER ON CMP. NO.61591/2002 IN OP. 36456/2002

DISMISSED

07.09.2007 **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE IST RESPONDENT DT. 27.4.01.

EXT.P2:- COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS AND OTHERS BEFORE THE 2ND RESPONDENT DT. 27.4.01.

/TRUE COPY/

P.A. TO JUDGE

tss

THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.36456 OF 2002

Dated this the 7th day of September, 2007

JUDGMENT

Standing counsel appears for the first respondent. Learned Government Pleader appears for respondents 2 and 3. The writ petition is ripe.

2. Heard.

3. The complaint of the petitioners is essentially about the alleged encroachment by different persons on either side of the Market Canal Road in such a manner that proper use of the road has become impossible. This is a matter that may have to gain proper attention of the Corporation or the Revenue Authorities. Under such circumstances, it is directed that the respondents will ensure that any legitimate complaint regarding such encroachment, if received and pending, will gain appropriate attention in accordance with law.

The writ petition is disposed of as above.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.

==========

THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.36456 OF 2002

JUDGMENT

7th SEPTEMBER, 2007.

==========